

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Before the Board of Patent Appeals and Interferences

App. No. : 09/718,868 Confirmation No.: 2260  
Inventor : Ort et al.  
Filed : November 20, 2000  
Title : TECHNIQUE FOR DISPLAYING NON-BLOCKING  
ALWAYS VISIBLE DISPLAYS AND THEIR APPLICATIONS  
Art Unit : 2672  
Examiner : Wang, Jin Cheng  
Customer No. : 25,943

**MAIL STOP: APPEAL BRIEF-PATENTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESUBMISSION OF APPELLANT'S BRIEF IN SUPPORT OF APPELLANT'S  
APPEAL TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Dear Sir:

This is a re-submission of Appellant's Brief in response to the Non-Compliant Notice mailed on January 23, 2007. The deficiency has been corrected. This appeal furthers the Notice of Appeal filed on August 3, 2004. The appeal arises from a final decision by the Examiner in the final Office Action, dated May 3, 2004. The final decision was in response to arguments filed on January 30, 2004, in response to an earlier office action, mailed November 3, 2003.

Appellants re-submit this *Brief on Appeal*. Payment in the amount of \$500.00 to cover the fee for filing the *Brief on Appeal* was tendered with the original submission. Appellant respectfully requests consideration of this appeal by the Board of Patent Appeals and Interferences for allowance of the present patent application.

**Real Party in Interest:**

The real party in interest is Hall Aluminum, LLC, having its primary place of business at 171 Main St. #271, Los Altos, California 94022, successor in interest to Assignee Xoucin, Inc. by virtue of the assignment to Xoucin recorded with the United States Patent and Trademark Office on November 20, 2000, at Reel 011318 Frame 0929.

**Related Appeals and Interferences:**

To the best of Appellant's knowledge, there are no related appeals or interference proceedings currently pending, which would directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

**Status of Claims:**

Appellant appeals the rejection of claims 1-10, 13, 15-16, 18-19, 21-31, 34, 36-37, 39-40 and 42, which were rejected in the final Office Action dated May 3, 2004. Claims 1-10, 13, 15-16, 18-19, 21-31, 34, 36-37, 39-40 and 42 are reproduced, as pending, in Appendix A. Claims 11-12, 14, 17, 20, 32-33, 35, 38, and 41 were previously cancelled and are not involved in this appeal.

**Status of Amendments:**

Appellants have previously offered amendments cancelling claims 12 and 33 to reduce the issues on appeal. Claims 10 and 31 are also now cancelled, and claims 11 and 32 are rewritten in independent form. The Examiner has previously accepted the offered cancellations.

**Summary of the Claimed Subject Matter:**

Independent claim 1 is as follows. Support for each limitation of claim 1 in the form of figure elements corresponding to each limitation and portions of the Specification given by page and line numbers for each limitation is shown, inline:

“1. (Original) A method comprising:

copying and saving first pixel values corresponding to a first display screen area;” **(Element 502 of Figure 5; Page 10, lines 12-17.)**

“blending the copied first pixel values with second pixel values to generate third pixel values;” **(Element 504 of Figure 5; Page 10, lines 17-25.)**

“replacing the original first pixel values with the third pixel values to effectuate display of a non-blocking always visible display;” **(Element 506 of Figure 5; Page 11, lines 1-17.)**

“monitoring for display operations that impact the first display screen area;” **(Elements 302-306 of Figure 3; Page 9, lines 2-12. Elements 602-612 of Figure 6; Page 11, line 20 through page 13, line 10. Elements 702-708 of Figure 7; Page 13, line 13 through page 15, line 2.)**

“upon detection of such a display operation, replacing said third pixel values with said first pixel values using said saved first pixel values;” **(Elements 602 and 606 of Figure 6; Page 11, line 20 through page 13, line 10.)**

“upon completion of the detected operation, copying and saving fourth pixel values corresponding to the first display screen area;” **(Element 502 of Figure 5; Page 10, lines 12-27. Elements 602-612 of Figure 6; Page 11, line 20 through page 13, line 10. Elements 702-708 of Figure 7; Page 13, line 13 through page 15, line 2.)**

“blending the copied fourth pixel values with said second pixel values to generate fifth pixel values;” **(Element 504 of Figure 5; Page 10, lines 17-25. Elements 602-612 of Figure 6; Page 11, line 20 through page 13, line 10. Elements 702-708 of Figure 7; Page 13, line 13 through page 15, line 2.)**

“replacing the original fourth pixel values with the fifth pixel values to sustain the non-blocking always visible characteristic of the non-blocking always

visible display.” **(Element 506 of Figure 5; Page 11, lines 1-17. Elements 602-612 of Figure 6; Page 11, line 20 through page 13, line 10. Elements 702-708 of Figure 7; Page 13, line 13 through page 15, line 2.)**

Independent claim 7 is as follows. Support for each limitation of claim 7 in the form of figure elements corresponding to each limitation and portions of the Specification given by page and line numbers for each limitation is shown, inline:

“7. (Original) A method comprising:

copying and saving first pixel values corresponding to a first display screen area;” **(Element 502 of Figure 5; Page 10, lines 12-17.)**

“blending the copied first pixel values with second pixel values corresponding to a non-blocking always visible display to generate third pixel values;” **(Element 504 of Figure 5; Page 10, lines 17-25.)**

“replacing the original first pixel values with the third pixel values to effectuate display of the non-blocking always visible display;” **(Element 506 of Figure 5; Page 11, lines 1-17.)**

“intercepting cursor events associated with said first display screen area; and” **(Elements 702-708 of Figure 7; Page 13, line 13 through page 15, line 2.)**

“determining whether the cursor events are to be handled by an application program associated with said non-blocking always visible display or an application program associated with an underlying display window, based at least in part on a current blending bias between said non-blocking always visible display and said underlying display windows.” **(Elements 702-708 of Figure 7; Page 13, line 13 through page 15, line 2.)**

Independent claim 11 is as follows. Support for each limitation of claim 11 in the form of figure elements corresponding to each limitation and portions of the Specification given by page and line numbers for each limitation is shown, inline:

“11. (Currently Amended) A method comprising:

copying and saving first pixel values corresponding to a first display screen area on which a non-blocking always visible on-line data monitor is to be rendered;" **(Element 106 of Figure 1b; Page 7, lines 8-18. Element 502 of Figure 5; Page 10, lines 12-17.)**

"blending the copied first pixel values with second pixel values corresponding to the non-blocking always visible on-line data monitor to generate third pixel values;" **(Element 106 of Figure 1b; Page 7, lines 8-18. Element 504 of Figure 5; Page 10, lines 17-25.)**

"replacing the original first pixel values with the third pixel values to effectuate display of the on-line data monitor with the non-blocking always visible attribute to provide visual differentiation between said on-line data monitor and underlying display windows associated with locally executed application programs;" **(Element 106 of Figure 1b; Page 7, lines 8-18. Element 506 of Figure 5; Page 11, lines 1-17.)**

"monitoring for display operations that impact the first display screen area;" **(Elements 302-306 of Figure 3; Page 9, lines 2-12. Elements 602-612 of Figure 6; Page 11, line 20 through page 13, line 10. Elements 702-708 of Figure 7; Page 13, line 13 through page 15, line 2.)**

"upon detection of such a display operation, replacing said third pixel values with said first pixel values using said saved first pixel values;" **(Elements 602 and 606 of Figure 6; Page 11, line 20 through page 13, line 10.)**

"upon completion of said display operation, copying and saving fourth pixel values corresponding to the first display screen area;" **(Element 502 of Figure 5; Page 10, lines 12-27. Elements 602-612 of Figure 6; Page 11, line 20 through page 13, line 10. Elements 702-708 of Figure 7; Page 13, line 13 through page 15, line 2.)**

"blending the copied fourth pixel values with said second pixel values to generate fifth pixel values; and" **(Element 504 of Figure 5; Page 10, lines 17-25. Elements 602-612 of Figure 6; Page 11, line 20 through page 13, line 10. Elements 702-708 of Figure 7; Page 13, line 13 through page 15, line 2.)**

“replacing the original fourth pixel values with the fifth pixel values to sustain the non-blocking always visible characteristic of the on-line monitor.” **(Element 106 of Figure 1b; Page 7, lines 8-18. Element 506 of Figure 5; Page 11, lines 1-17. Elements 602-612 of Figure 6; Page 11, line 20 through page 13, line 10. Elements 702-708 of Figure 7; Page 13, line 13 through page 15, line 2.)**

Independent claim 13 is as follows. Support for each limitation of claim 13 in the form of figure elements corresponding to each limitation and portions of the Specification given by page and line numbers for each limitation is shown, inline:

“13. (Previously presented) A method comprising:  
copying and saving first pixel values corresponding to a first display screen area on which a non-blocking always visible task bar is to be rendered;” **(Element 128 of Figure 1c; Page 7, lines 8-18. Element 502 of Figure 5; Page 10, lines 12-17.)**

“blending the copied first pixel values with second pixel values corresponding to the non-blocking always visible task bar to generate third pixel values;” **(Element 128 of Figure 1c; Page 7, lines 8-18. Element 504 of Figure 5; Page 10, lines 17-25.)**

“replacing the original first pixel values with the third pixel values to effectuate display of the task bar with the non-blocking always visible attribute;” **(Element 128 of Figure 1c; Page 7, lines 8-18. Element 506 of Figure 5; Page 11, lines 1-17.)**

monitoring for display operations that impact the first display screen area; **(Elements 302-306 of Figure 3; Page 9, lines 2-12. Elements 602-612 of Figure 6; Page 11, line 20 through page 13, line 10. Elements 702-708 of Figure 7; Page 13, line 13 through page 15, line 2.)**

upon detection of such a display operation, replacing said third pixel values with said first pixel values using said saved first pixel values; **(Elements 602 and 606 of Figure 6; Page 11, line 20 through page 13, line 10.)**

upon completion of said display operation, copying and saving fourth pixel values corresponding to the first display screen area; **(Element 502 of Figure 5; Page 10, lines 12-27. Elements 602-612 of Figure 6; Page 11, line 20 through page 13, line 10. Elements 702-708 of Figure 7; Page 13, line 13 through page 15, line 2.)**

blending the copied fourth pixel values with said second pixel values to generate fifth pixel values; and **(Element 504 of Figure 5; Page 10, lines 17-25. Elements 602-612 of Figure 6; Page 11, line 20 through page 13, line 10. Elements 702-708 of Figure 7; Page 13, line 13 through page 15, line 2.)**

replacing the original fourth pixel values with the fifth pixel values to sustain the non-blocking always visible characteristic of the task bar. **(Element 128 of Figure 1c; Page 7, lines 8-18. Element 506 of Figure 5; Page 11, lines 1-17. Elements 602-612 of Figure 6; Page 11, line 20 through page 13, line 10. Elements 702-708 of Figure 7; Page 13, line 13 through page 15, line 2.)**

Independent claim 16 is as follows. Support for each limitation of claim 16 in the form of figure elements corresponding to each limitation and portions of the Specification given by page and line numbers for each limitation is shown, inline:

“16. (Previously presented) A method comprising:

copying and saving first pixel values corresponding to a first display screen area on which a non-blocking always visible logo/mark is to be rendered;” **(Element 144 of Figure 1e; Page 7, lines 8-18. Element 502 of Figure 5; Page 10, lines 12-17.)**

“blending the copied first pixel values with second pixel values corresponding to the non-blocking always visible logo/mark to generate third pixel values;” **(Element 144 of Figure 1e; Page 7, lines 8-18. Element 504 of Figure 5; Page 10, lines 17-25.)**

“replacing the original first pixel values with the third pixel values to effectuate display of the logo/mark with the non-blocking always visible attribute;”

**(Element 144 of Figure 1e; Page 7, lines 8-18. Element 506 of Figure 5; Page 11, lines 1-17.)**

“monitoring for display operations that impact the first display screen area;” **(Elements 302-306 of Figure 3; Page 9, lines 2-12. Elements 602-612 of Figure 6; Page 11, line 20 through page 13, line 10. Elements 702-708 of Figure 7; Page 13, line 13 through page 15, line 2.)**

“upon detection of such a display operation, replacing said third pixel values with said first pixel values using said saved first pixel values;” **(Elements 602 and 606 of Figure 6; Page 11, line 20 through page 13, line 10.)**

“upon completion of said display operation, copying and saving fourth pixel values corresponding to the first display screen area;” **(Element 502 of Figure 5; Page 10, lines 12-27. Elements 602-612 of Figure 6; Page 11, line 20 through page 13, line 10. Elements 702-708 of Figure 7; Page 13, line 13 through page 15, line 2.)**

“blending the copied fourth pixel values with said second pixel values to generate fifth pixel values; and” **(Element 504 of Figure 5; Page 10, lines 17-25. Elements 602-612 of Figure 6; Page 11, line 20 through page 13, line 10. Elements 702-708 of Figure 7; Page 13, line 13 through page 15, line 2.)**

“replacing the original fourth pixel values with the fifth pixel values to sustain the non-blocking always visible characteristic of the logo/mark.” **(Element 144 of Figure 1e; Page 7, lines 8-18. Element 506 of Figure 5; Page 11, lines 1-17. Elements 602-612 of Figure 6; Page 11, line 20 through page 13, line 10. Elements 702-708 of Figure 7; Page 13, line 13 through page 15, line 2.)**

Independent claim 19 is as follows. Support for each limitation of claim 19 in the form of figure elements corresponding to each limitation and portions of the Specification given by page and line numbers for each limitation is shown, inline:

“19. (Previously presented) A method comprising:  
copying and saving first pixel values corresponding to a first display screen area on which a non-blocking always visible animated assistant is to be



rendered;" **(Element 134 of Figure 1d; Page 7, lines 8-18. Element 502 of Figure 5; Page 10, lines 12-17.)**

"blending the copied first pixel values with second pixel values corresponding to the non-blocking always visible animated assistant to generate third pixel values;" **(Element 134 of Figure 1d; Page 7, lines 8-18. Element 504 of Figure 5; Page 10, lines 17-25.)**

"replacing the original first pixel values with the third pixel values to effectuate display of the animated assistant with the non-blocking always visible attribute;" **(Element 134 of Figure 1d; Page 7, lines 8-18. Element 506 of Figure 5; Page 11, lines 1-17.)**

"monitoring for display operations that impact the first display screen area;" **(Elements 302-306 of Figure 3; Page 9, lines 2-12. Elements 602-612 of Figure 6; Page 11, line 20 through page 13, line 10. Elements 702-708 of Figure 7; Page 13, line 13 through page 15, line 2.)**

"upon detection of such a display operation, replacing said third pixel values with said first pixel values using said saved first pixel values;" **(Elements 602 and 606 of Figure 6; Page 11, line 20 through page 13, line 10.)**

"upon completion of said display operation, copying and saving fourth pixel values corresponding to the first display screen area;" **(Element 502 of Figure 5; Page 10, lines 12-27. Elements 602-612 of Figure 6; Page 11, line 20 through page 13, line 10. Elements 702-708 of Figure 7; Page 13, line 13 through page 15, line 2.)**

"blending the copied fourth pixel values with said second pixel values to generate fifth pixel values; and" **(Element 504 of Figure 5; Page 10, lines 17-25. Elements 602-612 of Figure 6; Page 11, line 20 through page 13, line 10. Elements 702-708 of Figure 7; Page 13, line 13 through page 15, line 2.)**

"replacing the original fourth pixel values with the fifth pixel values to sustain the non-blocking always visible characteristic of the animated assistant." **(Element 134 of Figure 1d; Page 7, lines 8-18. Element 506 of Figure 5; Page 11, lines 1-17. Elements 602-612 of Figure 6; Page 11, line 20 through**

**page 13, line 10. Elements 702-708 of Figure 7; Page 13, line 13 through page 15, line 2.)**

Independent claim 22 is as follows. Support for each limitation of claim 22 in the form of figure elements corresponding to each limitation and portions of the Specification given by page and line numbers for each limitation is shown, inline:

“22. (Original) An apparatus comprising:

storage medium having stored therein programming instructions designed to”

**(Elements 804 and 806 of Figure 8; Page 15, lines 14-17.)**

“copy and save first pixel values corresponding to a first display screen area,”

**(Element 502 of Figure 5; Page 10, lines 12-17.)**

“blend the copied first pixel values with second pixel values corresponding to a non-blocking always visible display to generate third pixel values,”

**(Element 504 of Figure 5; Page 10, lines 17-25.)**

“replace the original first pixel values with the third pixel values to effectuate display of the non-blocking always visible display,” **(Element 506 of**

**Figure 5; Page 11, lines 1-17.)**

“monitor for display operations that impact the first display screen area,”

**(Elements 302-306 of Figure 3; Page 9, lines 2-12. Elements 602-612 of Figure 6; Page 11, line 20 through page 13, line 10. Elements 702-708 of Figure 7; Page 13, line 13 through page 15, line 2.)**

“upon detection of such a display operation, replace said third pixel values with said first pixel values using said saved first pixel values,” **(Elements 602 and 606 of Figure 6; Page 11, line 20 through page 13, line 10.)**

“copy and save fourth pixel values corresponding to the first display screen area,” **(Element 502 of Figure 5; Page 10, lines 12-27. Elements 602-612 of Figure 6; Page 11, line 20 through page 13, line 10. Elements 702-708 of Figure 7; Page 13, line 13 through page 15, line 2.)**

“blend the copied fourth pixel values with said second pixel values to generate fifth pixel values,” **(Element 504 of Figure 5; Page 10, lines 17-**

**25. Elements 602-612 of Figure 6; Page 11, line 20 through page 13, line 10. Elements 702-708 of Figure 7; Page 13, line 13 through page 15, line 2.)**

“replace the original fourth pixel values with the fifth pixel values to sustain the non-blocking always visible characteristic of the non-blocking always visible display” **(Element 506 of Figure 5; Page 11, lines 1-17.**

**Elements 602-612 of Figure 6; Page 11, line 20 through page 13, line 10. Elements 702-708 of Figure 7; Page 13, line 13 through page 15, line 2.); and**

“a processor coupled to the storage medium to execute the programming instruction.” **(Element 802 of Figure 8; Page 15, lines 6-7.)**

Independent claim 28 is as follows. Support for each limitation of claim 28 in the form of figure elements corresponding to each limitation and portions of the Specification given by page and line numbers for each limitation is shown, inline:

“28. (Original) An apparatus comprising:

storage medium having stored therein programming instructions designed to” **(Elements 804 and 806 of Figure 8; Page 15, lines 14-17.)**

“copy and save first pixel values corresponding to a first display screen area,” **(Element 502 of Figure 5; Page 10, lines 12-17.)**

“blend the copied first pixel values with second pixel values corresponding to a non-blocking always visible display to generate third pixel values,” **(Element 504 of Figure 5; Page 10, lines 17-25.)**

“replace the original first pixel values with the third pixel values to effectuate display of the non-blocking always visible display,” **(Element 506 of Figure 5; Page 11, lines 1-17.)**

“intercept cursor events associated with said first display screen area, and” **(Elements 702-708 of Figure 7; Page 13, line 13 through page 15, line 2.)**

“determine whether the cursor events are to be handled by an application program associated with said non-blocking always visible display or an application program associated with an underlying display window, based at least in part on a current blending bias between said non-blocking always visible display and said underlying display windows” **(Elements 702-708 of Figure 7; Page 13, line 13 through page 15, line 2.);** and

“a processor coupled to the storage medium to execute the programming instructions.” **(Element 802 of Figure 8; Page 15, lines 6-7.)**

Independent claim 32 is as follows. Support for each limitation of claim 32 in the form of figure elements corresponding to each limitation and portions of the Specification given by page and line numbers for each limitation is shown, inline:

“32. (Original) An apparatus comprising:  
storage medium having stored therein programming instructions designed to” **(Elements 804 and 806 of Figure 8; Page 15, lines 14-17.)**

copy and save first pixel values corresponding to a first display screen area on which a non-blocking always visible on-line data monitor is to be rendered,” **(Element 106 of Figure 1b; Page 7, lines 8-18. Element 502 of Figure 5; Page 10, lines 12-17.)**

“blend the copied first pixel values with second pixel values corresponding to the non-blocking always visible on-line data monitor to generate third pixel values,” **(Element 106 of Figure 1b; Page 7, lines 8-18. Element 504 of Figure 5; Page 10, lines 17-25.)**

“replace the original first pixel values with the third pixel values to effectuate display of the on-line data monitor with the non-blocking always visible attribute to provide visual differentiation between said on-line data monitor and underlying display windows associated with locally executed application programs,” **(Element 106 of**

**Figure 1b; Page 7, lines 8-18. Element 506 of Figure 5; Page 11, lines 1-17.)**

“monitor for display operations that impact the first display screen area,”  
**(Elements 302-306 of Figure 3; Page 9, lines 2-12. Elements 602-612 of Figure 6; Page 11, line 20 through page 13, line 10. Elements 702-708 of Figure 7; Page 13, line 13 through page 15, line 2.)**

“upon detection of such a display operation, replace said third pixel values with said first pixel values using said saved first pixel values,”  
**(Elements 602 and 606 of Figure 6; Page 11, line 20 through page 13, line 10.)**

“upon completion of said display operation, copy and save fourth pixel values corresponding to the first display screen area,” **(Element 502 of Figure 5; Page 10, lines 12-27. Elements 602-612 of Figure 6; Page 11, line 20 through page 13, line 10. Elements 702-708 of Figure 7; Page 13, line 13 through page 15, line 2.)**

“blend the copied fourth pixel values with said second pixel values to generate fifth pixel values, and” **(Element 504 of Figure 5; Page 10, lines 17-25. Elements 602-612 of Figure 6; Page 11, line 20 through page 13, line 10. Elements 702-708 of Figure 7; Page 13, line 13 through page 15, line 2.)**

“replace the original fourth pixel values with the fifth pixel values to sustain the non-blocking always visible characteristic of the on-line monitor”  
**(Element 106 of Figure 1b; Page 7, lines 8-18. Element 506 of Figure 5; Page 11, lines 1-17. Elements 602-612 of Figure 6; Page 11, line 20 through page 13, line 10. Elements 702-708 of Figure 7; Page 13, line 13 through page 15, line 2.); and**

“a processor coupled to the storage medium to execute the programming instructions.” **(Element 802 of Figure 8; Page 15, lines 6-7.)**

Independent claim 34 is as follows. Support for each limitation of claim 34 in the form of figure elements corresponding to each limitation and portions of the Specification given by page and line numbers for each limitation is shown, inline:

- “34. (Original) An apparatus comprising:  
storage medium having stored therein programming instructions designed to” **(Elements 804 and 806 of Figure 8; Page 15, lines 14-17.)**  
“copy and save first pixel values corresponding to a first display screen area on which a non-blocking always visible task bar is to be rendered,” **(Element 128 of Figure 1c; Page 7, lines 8-18. Element 502 of Figure 5; Page 10, lines 12-17.)**  
“blend the copied first pixel values with second pixel values corresponding to the non-blocking always visible task bar to generate third pixel values,” **(Element 128 of Figure 1c; Page 7, lines 8-18. Element 504 of Figure 5; Page 10, lines 17-25.)**  
“replace the original first pixel values with the third pixel values to effectuate display of the task bar with the non-blocking always visible attribute,” **(Element 128 of Figure 1c; Page 7, lines 8-18. Element 506 of Figure 5; Page 11, lines 1-17.)**  
monitor for display operations that impact the first display screen area, **(Elements 302-306 of Figure 3; Page 9, lines 2-12. Elements 602-612 of Figure 6; Page 11, line 20 through page 13, line 10. Elements 702-708 of Figure 7; Page 13, line 13 through page 15, line 2.)**  
upon detection of such a display operation, replace said third pixel values with said first pixel values using said saved first pixel values, **(Elements 602 and 606 of Figure 6; Page 11, line 20 through page 13, line 10.)**  
upon completion of said display operation, copy and save fourth pixel values corresponding to the first display screen area, **(Element 502 of Figure 5; Page 10, lines 12-27. Elements 602-612 of Figure**

**6; Page 11, line 20 through page 13, line 10. Elements 702-708 of Figure 7; Page 13, line 13 through page 15, line 2.)**

blend the copied fourth pixel values with said second pixel values to generate fifth pixel values, and **(Element 504 of Figure 5; Page 10, lines 17-25. Elements 602-612 of Figure 6; Page 11, line 20 through page 13, line 10. Elements 702-708 of Figure 7; Page 13, line 13 through page 15, line 2.)**

replace the original fourth pixel values with the fifth pixel values to sustain the non-blocking always visible characteristic of the task bar **(Element 128 of Figure 1c; Page 7, lines 8-18. Element 506 of Figure 5; Page 11, lines 1-17. Elements 602-612 of Figure 6; Page 11, line 20 through page 13, line 10. Elements 702-708 of Figure 7; Page 13, line 13 through page 15, line 2.); and**

“a processor coupled to the storage medium to execute the programming instructions.” **(Element 802 of Figure 8; Page 15, lines 6-7.)**

Independent claim 37 is as follows. Support for each limitation of claim 37 in the form of figure elements corresponding to each limitation and portions of the Specification given by page and line numbers for each limitation is shown, inline:

“37. (Original) An apparatus comprising:  
storage medium having stored therein programming instructions designed to” **(Elements 804 and 806 of Figure 8; Page 15, lines 14-17.)**

“copy and save first pixel values corresponding to a first display screen area on which a non-blocking always visible logo/mark is to be rendered,” **(Element 144 of Figure 1e; Page 7, lines 8-18. Element 502 of Figure 5; Page 10, lines 12-17.)**

“blend the copied first pixel values with second pixel values corresponding to the non-blocking always visible logo/mark to generate third pixel values,” **(Element 144 of Figure 1e; Page 7, lines 8-18. Element 504 of Figure 5; Page 10, lines 17-25.)**

“replace the original first pixel values with the third pixel values to effectuate display of the logo/mark with the non-blocking always visible attribute,” **(Element 144 of Figure 1e; Page 7, lines 8-18. Element 506 of Figure 5; Page 11, lines 1-17.)**

“monitor for display operations that impact the first display screen area,” **(Elements 302-306 of Figure 3; Page 9, lines 2-12. Elements 602-612 of Figure 6; Page 11, line 20 through page 13, line 10. Elements 702-708 of Figure 7; Page 13, line 13 through page 15, line 2.)**

“upon detection of such a display operation, replace said third pixel values with said first pixel values using said saved first pixel values,” **(Elements 602 and 606 of Figure 6; Page 11, line 20 through page 13, line 10.)**

“upon completion of said display operation, copy and save fourth pixel values corresponding to the first display screen area,” **(Element 502 of Figure 5; Page 10, lines 12-27. Elements 602-612 of Figure 6; Page 11, line 20 through page 13, line 10. Elements 702-708 of Figure 7; Page 13, line 13 through page 15, line 2.)**

“blend the copied fourth pixel values with said second pixel values to generate fifth pixel values, and” **(Element 504 of Figure 5; Page 10, lines 17-25. Elements 602-612 of Figure 6; Page 11, line 20 through page 13, line 10. Elements 702-708 of Figure 7; Page 13, line 13 through page 15, line 2.)**

“replace the original fourth pixel values with the fifth pixel values to sustain the non-blocking always visible characteristic of the logo/mark” **(Element 144 of Figure 1e; Page 7, lines 8-18. Element 506 of Figure 5; Page 11, lines 1-17. Elements 602-612 of Figure 6; Page 11, line 20 through page 13, line 10. Elements 702-708 of Figure 7; Page 13, line 13 through page 15, line 2.); and**



“a processor coupled to the storage medium to execute the programming instructions.” **(Element 802 of Figure 8; Page 15, lines 6-7.)**

Independent claim 40 is as follows. Support for each limitation of claim 40 in the form of figure elements corresponding to each limitation and portions of the Specification given by page and line numbers for each limitation is shown, inline:

“40. (Original) An apparatus comprising:  
storage medium having stored therein programming instructions designed to” **(Elements 804 and 806 of Figure 8; Page 15, lines 14-17.)**

“copy and save first pixel values corresponding to a first display screen area on which a non-blocking always visible animated assistant is to be rendered,” **(Element 134 of Figure 1d; Page 7, lines 8-18. Element 502 of Figure 5; Page 10, lines 12-17.)**

“blend the copied first pixel values with second pixel values corresponding to the non-blocking always visible animated assistant to generate third pixel values,” **(Element 134 of Figure 1d; Page 7, lines 8-18. Element 504 of Figure 5; Page 10, lines 17-25.)**

“replace the original first pixel values with the third pixel values to effectuate display of the animated assistant with the non-blocking always visible attribute,” **(Element 134 of Figure 1d; Page 7, lines 8-18. Element 506 of Figure 5; Page 11, lines 1-17.)**

“monitor for display operations that impact the first display screen area,” **(Elements 302-306 of Figure 3; Page 9, lines 2-12. Elements 602-612 of Figure 6; Page 11, line 20 through page 13, line 10. Elements 702-708 of Figure 7; Page 13, line 13 through page 15, line 2.)**

“upon detection of such a display operation, replace said third pixel values with said first pixel values using said saved first pixel values,” **(Elements 602 and 606 of Figure 6; Page 11, line 20 through page 13, line 10.)**

“upon completion of said display operation, copy and save fourth pixel values corresponding to the first display screen area,” **(Element 502 of Figure 5; Page 10, lines 12-27. Elements 602-612 of Figure 6; Page 11, line 20 through page 13, line 10. Elements 702-708 of Figure 7; Page 13, line 13 through page 15, line 2.)**

“blend the copied fourth pixel values with said second pixel values to generate fifth pixel values, and” **(Element 504 of Figure 5; Page 10, lines 17-25. Elements 602-612 of Figure 6; Page 11, line 20 through page 13, line 10. Elements 702-708 of Figure 7; Page 13, line 13 through page 15, line 2.)**

“replace the original fourth pixel values with the fifth pixel values to sustain the non-blocking always visible characteristic of the animated assistant” **(Element 134 of Figure 1d; Page 7, lines 8-18. Element 506 of Figure 5; Page 11, lines 1-17. Elements 602-612 of Figure 6; Page 11, line 20 through page 13, line 10. Elements 702-708 of Figure 7; Page 13, line 13 through page 15, line 2.); and**

“a processor coupled to the storage medium to execute the programming instructions.” **(Element 802 of Figure 8; Page 15, lines 6-7.)**

**Grounds For Rejection To Be Argued On Appeal:**

- I. Claims 1-10, 13, 15-16, 18, 22-31, 34, 36-37 and 39 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,638,501 to *Gough et al.* (hereinafter “Gough”).
- II. Claims 19, 21, 40, and 42 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Gough in view of U.S. Patent No. 6,002,397 to *Jaaskelainen* (hereinafter “Jaaskelainen”).

**Arguments:**

- I. Rejection of claims 1-10, 13, 15-16, 18, 22-31, 34, 36-37 and 39 under 35 U.S.C. §102(e) was improper because Gough failed to teach each and every limitation.

It is well settled that anticipation under 35 U.S.C. §102 requires the disclosure in a single piece of prior art to teach **each and every** limitation of a claimed invention. *Electro Med. Sys. S.A. v. Cooper Life Sciences*, 34 F.3d 1048, 1052, 32 USPQ2d 1017, 1019 (Fed. Cir. 1994). . MPEP 2131 states, "TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT OF THE CLAIM" and "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Furthermore, anticipation requires that each claim element must be identical to a corresponding element in the applied reference. *Glaverbel Société Anonyme v. Northlake Mktg & Supply, Inc.*, 45 F.3d 1550, 1554 (Fed. Cir. 1995). Thus, to anticipate the present invention, Gough must disclose every element recited in the pending claims.

Gough failed to teach at least the required limitation of ***replacing blended pixel values with saved pre-blend pixel values***.

Claim 1 recites a "method comprising:

copying and saving first pixel values corresponding to a first display screen area;

blending the copied first pixel values with second pixel values to generate third pixel values;

replacing the original first pixel values with the third pixel values to effectuate display of a non-blocking always visible display;

monitoring for display operations that impact the first display screen area;

upon detection of such a display operation, replacing said third pixel values with said first pixel values using said saved first pixel values;

upon completion of the detected operation, copying and saving fourth pixel values corresponding to the first display screen area;

blending the copied fourth pixel values with said second pixel values to generate fifth pixel values;

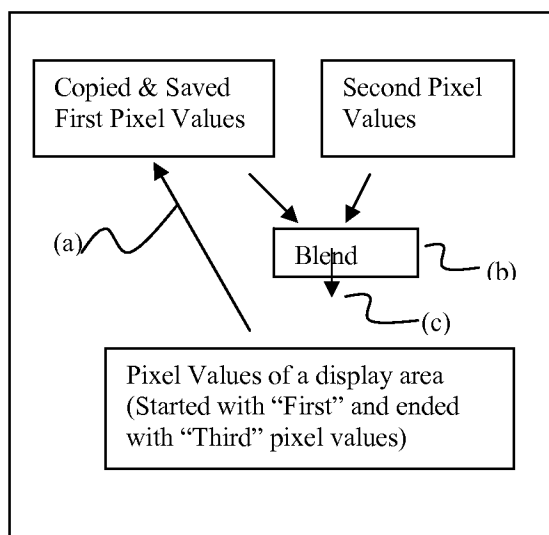
replacing the original fourth pixel values with the fifth pixel values to sustain the non-blocking always visible characteristic of the non-blocking always visible display (emphasis added).

Accordingly, to achieve the desired non-blocking visible display of the present invention, claim 1 first requires

(a) first pixel values of a display screen area is copied and saved away;

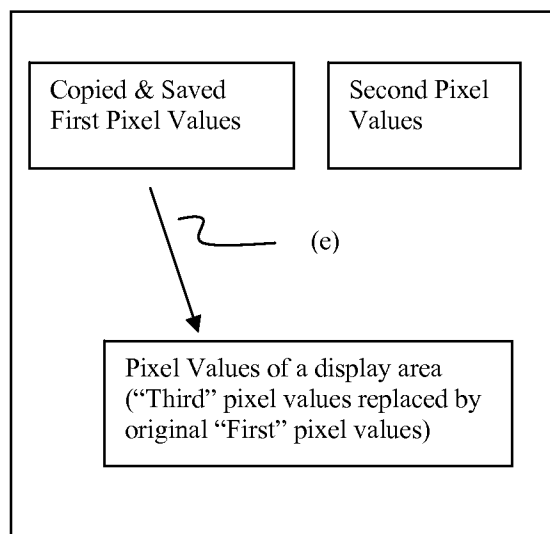
(b) the copied first pixel values are blended with second pixel values to produce third pixel values,

(c) the original first pixel values are then replaced by the third pixel values to effectuate display of a non-blocking always visible display.



Claim 1 then further requires that  
- (d) display interactions that impact the particular display screen are monitored, and

- (e) on detection, the third pixel values (i.e. the blended pixel values) are replaced by the saved first pixel values (i.e. the pre-blend pixel values)



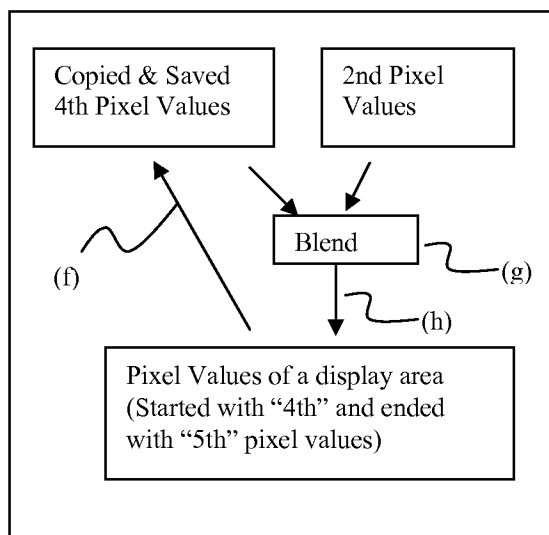
***Note that replacing the blended third pixel values with the original pre-blended pixel values is not just another pixel copy operation. The requirement represents a unique and novel “swap back” approach, where blended pixel values are replaced by the saved pre-blend pixel values.***

Claim 1 further recites,

(f) upon completion of the detected operation, copying and saving fourth pixel values corresponding to the first display screen area;

(g) blending the copied fourth pixel values with said second pixel values to generate fifth pixel values, and

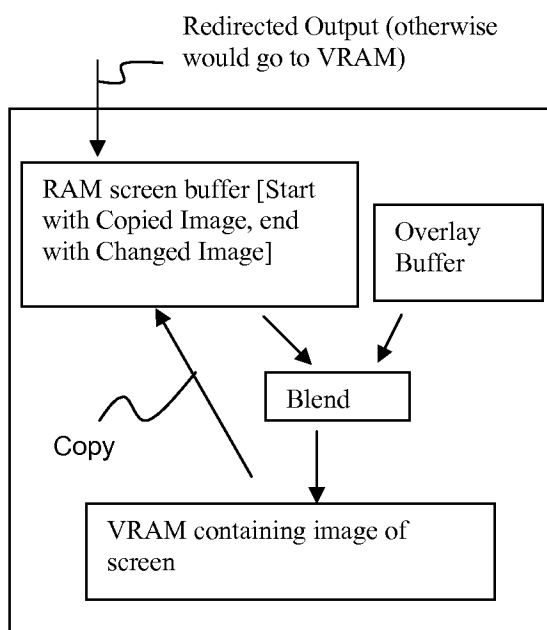
(h) replacing the original fourth pixel values with the fifth pixel values to sustain the non-blocking always visible characteristic of the non-blocking always visible display.



In contrast, as evident from the discussion to follow, Gough teaches a different approach. Gough disclosed two embodiments of his approach, best illustrated by his Figure 5b, and Figure 9.

The essence of both embodiments is the same, and is best illustrated by Gough's disclosure, starting in col.12, lines 59, where Gough states

"Next, ... it is determined whether this is the first time that the application program 101 is drawing to the screen 60 after an overlay image has been produced. If it is, a step 126 creates an overlay buffer, and the image of the screen that is stored in the video RAM (VRAM) is copied from the system's VRAM to the RAM screen buffer ..."



"Next, in step 128, the system is set such that future drawing output which is intended by the operating system, to go to VRAM, is sent to the RAM screen buffer of the present invention instead."

Then, after blending operation has been completed, the results of blending are loaded into VRAM ... to create the combined image (col. 12, lines 5-9).

The second embodiment differs only in that element 202 of Figure 9 is introduced, such that only the impacted portion of the display image is copied from VRAM to RAM for blending, and after blending, write back from RAM to VRAM; whereas, the first embodiment requires copy out and write back of the entire content of the VRAM.

Accordingly, Gough teaches a "**redirect**" approach, redirecting the output into the RAM buffer (as opposed to allowing the output to continue to go the VRAM buffer), Gough does not teach or suggest the recited required "**swap back**" of claim 1,

***replacing the prior blended result (third pixel values) with the pre-blend pixel values (first pixel values).***

It further follows then because Gough does not employ the required “**swap back**” approach, Gough does not teach or suggest the recited required “monitoring” (so the “**swap back**” may take place).

The difference between Gough’s “**redirect**” approach and the present invention’s “**swap back**” approach is significant. Gough’s **redirect** approach can be implemented only as an enhancement to the operating system, whereas the **swap back** may be implemented as an enhancement to the operating system, or **more importantly, independent of the operating system.**

In maintaining his rejection in the final office action as well as during the interview, the Examiner repeatedly reasoned that applicant’s **swap back** limitation is anticipated by Gough, relying on Gough’s teaching in col. 12, lines 1-17, which essence, according to the Examiner is the teaching of “copying of images between VRAM and RAM”.

Applicants agree with the Examiner that Gough teaches “copying of images between VRAM and RAM”. However, that’s not all Applicants’ **swap back** limitation requires. As discussed earlier, Applicant’s **swap back** limitation requires ***the replacement of the blended pixels with the saved away pre-blend original pixels.*** In Gough’s case all writings from RAM to VRAM are newly blended images. Pre-blend image is copied out from VRAM to RAM only once, prior to the first blending operation, and this pre-blend image is never written back into VRAM. Thereafter, blending occurs in RAM without further requiring any copy out from VRAM, and the resulting newly blended image of each successive blending operation is written out from RAM to VRAM to replace the prior blended image. As stated earlier, in Gough, pre-blended image is never written back from RAM to VRAM.

In view of the foregoing, Applicants respectfully submit claim 1 is patentable over Gough.

Claims 7, 11, 13 and 16 contain similar “**swap back**” limitations as claim 1. Accordingly, for at least the same reasons, claims 10 and 13 are patentable over Gough.

Claims 22, 28, 32, 34 and 37 are claims 1, 7, 11, 13 and 16 in apparatus form. Accordingly, for at least the same reasons, claims 22, 28, 31, 34 and 37 are patentable over Gough.

Claim 2-6, 8-9, 15, 18, 23-27, 29-30, 36, and 39 depend on claims 1, 7, 10, 13, 16, 22, 28, 31, 34 and 39 respectively, incorporating their limitations. Accordingly, claims 2-6, 8-9, 15, 18, 23-27, 29-30, 36, and 39 are patentable over Gough.

- II. Rejection of claims 19, 21, 40, and 42 under 35 U.S.C. §103(a) was improper because Gough and Jaaskelainen, alone or in combination, fail to teach or suggest the claimed invention when the invention as claimed in claims 19, 21, 40, and 42 is viewed as a whole.

Claim 19 contains similar “**swap back**” limitations of claim 1. Accordingly, for at least the same reasons claim 19 is patentable over Gough. Jasskelainen does not remedy the above discussed deficiency of Gough, therefore claim 19 is patentable over Gough even when combined with Jasskelainen.

Claim 40 is claim 19 in apparatus form. Accordingly, for at least the same reasons, claim 40 is patentable over Gough and Jasskelainen combined.

Claims 21 and 42 depend on claims 19 and 40, incorporating their limitations, therefore, for at least the same reasons, claims 21 and 42 are patentable over Gough and Jasskelainen combined.

## **Conclusion**

Appellant respectfully submits that all the appealed claims in this application are patentable and requests that the Board of Patent Appeals and Interferences overrule the Examiner and direct allowance of the rejected claims.



The fees associated with the appeal brief were submitted with the original appeal brief. We do not believe any additional fees, in particular extension of time fees, are needed. However, should that be necessary, please charge our deposit account 500393. In addition, please charge any shortages and credit any overages to Deposit Account No. 500393.

Respectfully submitted,

Date: February 16, 2007

/Robert C. Peck/  
Robert C. Peck, Reg. No. 56,826  
Attorney for Appellant Applicant

Schwabe Williamson & Wyatt, P.C.  
1420 Fifth, Suite 3010  
Seattle, WA 98101  
Tel: (206) 622-1711  
Fax: (206) 292-0460

## Appendix A – Appealed Claims

1. (Original) A method comprising:
  - copying and saving first pixel values corresponding to a first display screen area;
  - blending the copied first pixel values with second pixel values to generate third pixel values;
  - replacing the original first pixel values with the third pixel values to effectuate display of a non-blocking always visible display;
  - monitoring for display operations that impact the first display screen area;
  - upon detection of such a display operation, replacing said third pixel values with said first pixel values using said saved first pixel values;
  - upon completion of the detected operation, copying and saving fourth pixel values corresponding to the first display screen area;
  - blending the copied fourth pixel values with said second pixel values to generate fifth pixel values;
  - replacing the original fourth pixel values with the fifth pixel values to sustain the non-blocking always visible characteristic of the non-blocking always visible display.
2. (Previously presented) The method of claim 1, wherein the method further comprises
  - marking a buffer holding said third/fifth pixel values changed; and
  - periodically checking to determine if said buffer has been marked changed.
3. (Original) The method of claim 1, wherein said monitoring comprises
  - intercepting invocations of display screen memory operations; and

determining if targeted display screen areas of the display screen memory operations being invoked intersect with said first screen display area.

4. (Original) The method of claim 1, wherein the method further comprises intercepting cursor events associated with said first display screen area; and determining whether the cursor events are to be handled by an application program associated with said non-blocking always visible display or an application program associated with an underlying display window.

5. (Original) The method of claim 4, wherein each of said blending is performed in accordance with a then current blending setting, and said determining comprises determining if the current blending setting is greater than a predetermined threshold, favoring contents of said non-blocking always visible display.

6. (Original) The method of claim 1, wherein said non-blocking always visible display is a selected one of an on-line data monitor, a tool bar, a logo/mark, and an animated assistant.

7. (Original) A method comprising:  
copying and saving first pixel values corresponding to a first display screen area;  
blending the copied first pixel values with second pixel values corresponding to a non-blocking always visible display to generate third pixel values;  
replacing the original first pixel values with the third pixel values to effectuate display of the non-blocking always visible display;  
intercepting cursor events associated with said first display screen area; and

determining whether the cursor events are to be handled by an application program associated with said non-blocking always visible display or an application program associated with an underlying display window, based at least in part on a current blending bias between said non-blocking always visible display and said underlying display windows.

8. (Original) The method of claim 7, wherein said blending is performed in accordance with a current blending setting, and said determining comprises determining if the current blending setting is greater than a predetermined threshold, favoring contents of said non-blocking always visible display.

9. (Original) The method of claim 7, wherein said non-blocking always visible display is a selected one of an on-line data monitor, a tool bar, a logo/mark, and an animated assistant.

10. (Cancelled)

11. (Currently Amended) ~~The method of claim 10, wherein the method further comprises:~~ A method comprising:

copying and saving first pixel values corresponding to a first display screen area on which a non-blocking always visible on-line data monitor is to be rendered;

blending the copied first pixel values with second pixel values corresponding to the non-blocking always visible on-line data monitor to generate third pixel values;

replacing the original first pixel values with the third pixel values to effectuate display of the on-line data monitor with the non-blocking always visible attribute to

provide visual differentiation between said on-line data monitor and underlying display windows associated with locally executed application programs;

monitoring for display operations that impact the first display screen area;

upon detection of such a display operation, replacing said third pixel values with said first pixel values using said saved first pixel values;

upon completion of said display operation, copying and saving fourth pixel values corresponding to the first display screen area;

blending the copied fourth pixel values with said second pixel values to generate fifth pixel values; and

replacing the original fourth pixel values with the fifth pixel values to sustain the non-blocking always visible characteristic of the on-line monitor.

12. (Cancelled)

13. (Previously presented) A method comprising:

copying and saving first pixel values corresponding to a first display screen area on which a non-blocking always visible task bar is to be rendered;

blending the copied first pixel values with second pixel values corresponding to the non-blocking always visible task bar to generate third pixel values;

replacing the original first pixel values with the third pixel values to effectuate display of the task bar with the non-blocking always visible attribute;

monitoring for display operations that impact the first display screen area;

upon detection of such a display operation, replacing said third pixel values with said first pixel values using said saved first pixel values;

upon completion of said display operation, copying and saving fourth pixel values corresponding to the first display screen area;

blending the copied fourth pixel values with said second pixel values to generate fifth pixel values; and

replacing the original fourth pixel values with the fifth pixel values to sustain the non-blocking always visible characteristic of the task bar.

14. (Cancelled)

15. (Original) The method of claim 13, wherein the method further comprises

intercepting cursor events associated with said first display screen area; and

determining whether the cursor events are to be handled by an application program associated with said non-blocking always visible task bar or an application program associated with an underlying display window, based at least in part on a current blending bias between said non-blocking always visible task bar and underlying display windows.

16. (Previously presented) A method comprising:

copying and saving first pixel values corresponding to a first display screen area on which a non-blocking always visible logo/mark is to be rendered;

blending the copied first pixel values with second pixel values corresponding to the non-blocking always visible logo/mark to generate third pixel values;

replacing the original first pixel values with the third pixel values to effectuate display of the logo/mark with the non-blocking always visible attribute;

monitoring for display operations that impact the first display screen area;

upon detection of such a display operation, replacing said third pixel values with said first pixel values using said saved first pixel values;

upon completion of said display operation, copying and saving fourth pixel values corresponding to the first display screen area;

blending the copied fourth pixel values with said second pixel values to generate fifth pixel values; and

replacing the original fourth pixel values with the fifth pixel values to sustain the non-blocking always visible characteristic of the logo/mark.

17. (Cancelled)

18. (Original) The method of claim 16, wherein the method further comprises

intercepting cursor events associated with said first display screen area; and determining whether the cursor events are to be handled by an application program associated with said non-blocking always visible logo/mark or an application program associated with an underlying display window, based at least in part on a current blending bias between said non-blocking always visible logo/mark and underlying display windows.

19. (Previously presented) A method comprising:

copying and saving first pixel values corresponding to a first display screen area on which a non-blocking always visible animated assistant is to be rendered;

blending the copied first pixel values with second pixel values corresponding to the non-blocking always visible animated assistant to generate third pixel values;

replacing the original first pixel values with the third pixel values to effectuate display of the animated assistant with the non-blocking always visible attribute;

monitoring for display operations that impact the first display screen area;

upon detection of such a display operation, replacing said third pixel values with said first pixel values using said saved first pixel values;

upon completion of said display operation, copying and saving fourth pixel values corresponding to the first display screen area;

blending the copied fourth pixel values with said second pixel values to generate fifth pixel values; and

replacing the original fourth pixel values with the fifth pixel values to sustain the non-blocking always visible characteristic of the animated assistant.

20. (Cancelled)

21. (Original) The method of claim 19, wherein the method further comprises

intercepting cursor events associated with said first display screen area; and determining whether the cursor events are to be handled by an application program associated with said non-blocking always visible animated assistant or an application program associated with an underlying display window, based at least in part on a current blending bias between said non-blocking always visible animated assistant and underlying display windows.

22. (Original) An apparatus comprising:

storage medium having stored therein programming instructions designed to

copy and save first pixel values corresponding to a first display screen area,

blend the copied first pixel values with second pixel values corresponding to

a non-blocking always visible display to generate third pixel values,

replace the original first pixel values with the third pixel values to effectuate

display of the non-blocking always visible display,



monitor for display operations that impact the first display screen area,  
upon detection of such a display operation, replace said third pixel values  
with said first pixel values using said saved first pixel values,  
copy and save fourth pixel values corresponding to the first display screen  
area,  
blend the copied fourth pixel values with said second pixel values to  
generate fifth pixel values,  
replace the original fourth pixel values with the fifth pixel values to sustain  
the non-blocking always visible characteristic of the non-blocking always  
visible display; and  
a processor coupled to the storage medium to execute the programming  
instruction.

23. (Previously presented) The apparatus of claim 22, wherein the programming  
instructions are further designed to

mark a buffer holding said third/fifth pixel values changed, and  
periodically check to determine if said buffer has been marked changed.

24. (Original) The apparatus of claim 22, wherein said programming instructions are  
designed to

intercept invocations of display screen memory operations; and  
determine if targeted display screen areas of the display screen memory  
operations being invoked intersect with said first screen display area.

25. (Original) The apparatus of claim 22, wherein the programming instructions are  
further designed to

intercept cursor events associated with said first display screen area, and determine whether the cursor events are to be handled by an application program associated with said non-blocking always visible display or an application program associated with an underlying display window.

26. (Original) The apparatus of claim 25, wherein said programming instructions are designed to perform each of said blending in accordance with a then current blending setting, and perform said determine by determining if the current blending setting is greater than a predetermined threshold, favoring contents of said non-blocking always visible display.

27. (Original) The apparatus of claim 22, wherein said non-blocking always visible display is a selected one of an on-line data monitor, a tool bar, a logo/mark, and an animated assistant.

28. (Original) An apparatus comprising:  
storage medium having stored therein programming instructions designed to  
copy and save first pixel values corresponding to a first display screen area,  
blend the copied first pixel values with second pixel values corresponding to  
a non-blocking always visible display to generate third pixel values,  
replace the original first pixel values with the third pixel values to effectuate  
display of the non-blocking always visible display,  
intercept cursor events associated with said first display screen area, and  
determine whether the cursor events are to be handled by an application  
program associated with said non-blocking always visible display or an  
application program associated with an underlying display window,

based at least in part on a current blending bias between said non-blocking always visible display and said underlying display windows; and a processor coupled to the storage medium to execute the programming instructions.

29. (Original) The apparatus of claim 28, wherein said programming instructions are designed to perform said blend in accordance with a current blending setting, and perform said determine by determining if the current blending setting is greater than a predetermined threshold, favoring contents of said non-blocking always visible display.

30. (Original) The apparatus of claim 28, wherein said non-blocking always visible display is a selected one of an on-line data monitor, a tool bar, a logo/mark, and an animated assistant.

31. (Cancelled)

32. (Currently Amended) ~~The apparatus of claim 31, wherein the programming instructions are further designed to~~An apparatus comprising:  
storage medium having stored therein programming instructions designed to  
copy and save first pixel values corresponding to a first display screen area  
on which a non-blocking always visible on-line data monitor is to be  
rendered;  
blend the copied first pixel values with second pixel values corresponding to  
the non-blocking always visible on-line data monitor to generate third  
pixel values.

replace the original first pixel values with the third pixel values to effectuate display of the on-line data monitor with the non-blocking always visible attribute to provide visual differentiation between said on-line data monitor and underlying display windows associated with locally executed application programs.

monitor for display operations that impact the first display screen area,  
upon detection of such a display operation, replace said third pixel values  
with said first pixel values using said saved first pixel values,  
upon completion of said display operation, copy and save fourth pixel  
values corresponding to the first display screen area,  
blend the copied fourth pixel values with said second pixel values to  
generate fifth pixel values, and

replace the original fourth pixel values with the fifth pixel values to sustain  
the non-blocking always visible characteristic of the on-line monitor; and  
a processor coupled to the storage medium to execute the programming  
instructions.

33. (Cancelled)

34. (Previously presented) An apparatus comprising:

storage medium having stored therein programming instructions designed to  
copy and save first pixel values corresponding to a first display screen area  
on which a non-blocking always visible task bar is to be rendered.  
blend the copied first pixel values with second pixel values corresponding to  
the non-blocking always visible task bar to generate third pixel values,

replace the original first pixel values with the third pixel values to effectuate display of the task bar with the non-blocking always visible attribute monitor for display operations that impact the first display screen area, upon detection of such a display operation, replace said third pixel values with said first pixel values using said saved first pixel values, upon completion of said display operation, copy and save fourth pixel values corresponding to the first display screen area, blend the copied fourth pixel values with said second pixel values to generate fifth pixel values, and replace the original fourth pixel values with the fifth pixel values to sustain the non-blocking always visible characteristic of the task bar; and a processor coupled to the storage medium to execute the programming instructions.

35. (Cancelled)

36. (Original) The apparatus of claim 34, wherein the programming instructions are further designed to

intercept cursor events associated with said first display screen area, and determine whether the cursor events are to be handled by an application program associated with said non-blocking always visible task bar or an application program associated with an underlying display window, based at least in part on a current blending bias between said non-blocking always visible task bar and underlying display windows.

37. (Previously presented) An apparatus comprising:

storage medium having stored therein programming instructions designed to copy and save first pixel values corresponding to a first display screen area on which a non-blocking always visible logo/mark is to be rendered, blend the copied first pixel values with second pixel values corresponding to the non-blocking always visible logo/mark to generate third pixel values, replace the original first pixel values with the third pixel values to effectuate display of the logo/mark with the non-blocking always visible attribute, monitor for display operations that impact the first display screen area, upon detection of such a display operation, replace said third pixel values with said first pixel values using said saved first pixel values, upon completion of said display operation, copy and save fourth pixel values corresponding to the first display screen area, blend the copied fourth pixel values with said second pixel values to generate fifth pixel values, and replace the original fourth pixel values with the fifth pixel values to sustain the non-blocking always visible characteristic of the logo/mark; and a processor coupled to the storage medium to execute the programming instructions.

38. (Cancelled)

39. (Original) The apparatus of claim 37, wherein the programming instructions are further designed to

intercept cursor events associated with said first display screen area; and determine whether the cursor events are to be handled by an application program associated with said non-blocking always visible logo/mark or an application program

associated with an underlying display window, based at least in part on a current blending bias between said non-blocking always visible logo/mark and underlying display windows.

40. (Previously presented) An apparatus comprising:

storage medium having stored therein programming instructions designed to

copy and save first pixel values corresponding to a first display screen area

on which a non-blocking always visible animated assistant is to be rendered,

blend the copied first pixel values with second pixel values corresponding to the non-blocking always visible animated assistant to generate third pixel values,

replace the original first pixel values with the third pixel values to effectuate display of the animated assistant with the non-blocking always visible attribute

monitor for display operations that impact the first display screen area,

upon detection of such a display operation, replace said third pixel values with said first pixel values using said saved first pixel values,

upon completion of said display operation, copy and save fourth pixel values corresponding to the first display screen area,

blend the copied fourth pixel values with said second pixel values to generate fifth pixel values, and

replace the original fourth pixel values with the fifth pixel values to sustain the non-blocking always visible characteristic of the animated assistant; and

a processor coupled to the storage medium to execute the programming instructions.

41. (Cancelled)

42. (Original) The apparatus of claim 40, wherein the programming instructions are further designed to

intercept cursor events associated with said first display screen area, and determine whether the cursor events are to be handled by an application program associated with said non-blocking always visible animated assistant or an application program associated with an underlying display window, based at least in part on a current blending bias between said non-blocking always visible animated assistant and underlying display windows.



## **Appendix B – Copies of Evidence Submitted**

No evidence has been submitted under 37 C.F.R. 1.130, 1.131, or 1.132. No evidence entered by Examiner has been relied upon by Appellants in the appeal.

## **Appendix C – Related Proceedings**

There are no related appeals or interference proceedings currently pending, which would directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.